

Key Elements of the Draft Recodification of DNR Proprietary Statutes

- This draft document is a **conceptual** layout of chapters 43.12 and 43.30 and Title 79 after recodification. Section numbers are fictitious. Actual section numbers will be assigned by the Code Reviser's Office once a bill has been signed into law. The objective of this layout is to facilitate review and documentation of source language. Once content has been finalized, a bill will have to be drafted to bring these recommended changes to the legislature.
- Chapter 43.12, Commissioner of Public Lands, has had two sections moved to other chapters and five sections moved in from other chapters to consolidate law dealing with the duties and powers of the commissioner.
- Chapter 43.30, Department of Natural Resources, has been rearranged and subdivided into "parts" (a common RCW practice today – see Title 34) to group common statutes together. The section numbers (100s, 200s, 300s, etc.) also aid in this grouping. An objective is to consolidate law dealing with the Board of Natural Resources and the department. Laws related to funds, that do not appear in chapter 79.64, Funds for managing and administering lands, (such as the Clark-McNary fund and the Natural Resources Equipment fund) are grouped here.
- Chapters 76.01, General Provisions, 76.12, Reforestation, 76.16, Access to state timber and other valuable materials, and 76.20 Firewood on state lands, from Title 76, Forests and Forest Products, have been recodified into chapter 43.30 or title 79. Forest Practices division has recommended that Title 76 remain named Forests and Forest Products.
- Chapter 79.01, Public lands act, is eliminated. This general chapter has become a collection of unrelated, not necessarily general, laws. The same is true of chapter 79.08, General provisions.
- A new chapter, 79.02, Public lands management—General, has been added with law that applies generally to all public lands.
- Chapter 79.12, Sales and leases of public lands and materials, is eliminated. Separate new chapters group laws on land sales, transfers, exchanges and leases, and sale of valuable materials. This is at the heart of the statute reorganization. In many cases, new sections have been written to replace existing sections that provide guidance for more than one kind of land transaction.
- Many section captions (which are not a part of the law) have been revised to focus on one subject.

- There are major changes (rearrangements) to Title 79, Public Lands. Look at the **Overview of Recodification** table that provides the names of the new chapters and subchapters. The right column of this table provides general information on where the sections in the chapters came from. For more specific information and to track where a current section ends up in the recodification, see the cross-reference tables. These three tables are arranged by:
 - A. Current RCW section number
 - B. Draft bill section number
 - C. Conceptual section number
- The above cross-references do not include “new sections” created in the draft or existing sections that are recommended for repeal or decodification. These sections are itemized in tables entitled: **Index of New Sections** and **Repealed Sections**.
- RCW 43.30.130 (recodified as 43.30.411) derives from the law that established the department in 1957. It states: “The department shall exercise all of the powers, duties and functions now vested in the commissioner of public lands and such powers, duties and functions are hereby transferred to the department.” Reflecting this transfer, the wording “commissioner of public lands” has been changed to “department of natural resources” in many amended and recodified sections.
- The first section of Title 79, RCW 79.02.010 consolidates numerous definitions. Among them is “department” which is copied from RCW 43.30.020. This allows “the department of natural resources” to be replaced by “the department” throughout Title 79. This practice is followed in many other RCW titles.
- RCW 79.02.010 also states that “board” means the board of natural resources and “commissioner” means the commissioner of public lands. These shortened terms are used throughout Title 79.
- The additional definitions are extracted from various sections in Title 79 where they are not necessarily identified as “definitions.” An example is the definition of “state forest lands” which simply leads the reader to the definitive RCWs 79.22.010, 79.22.020 and 79.22.040.
- A note at the end of RCW 79.02.010 explains the inadequacy of current definitions for “public lands” and “state lands.” In addition, many terms, such as “trust lands” and “grant lands,” remain undefined and ambiguous. Future revisions of law are necessary to bring further clarity. This will be a high priority once this recodification / reorganization is in place.

- An **EXAMPLE** of an amendment and recodification (for RCW 79.01.184) is provided. The notes in the right column describe common techniques. Strikeouts are used to delete portions of existing statutes. Underlined portions show where there has been an addition. The destinations of what has been deleted and the source of what has been added are shown, where appropriate.
- The example demonstrates where the separation of function leads to multiple sections. Direction on the sale of state lands is consolidated in chapter 79.11. Direction on the sale of valuable materials is consolidated in chapter 79.15. Within these chapters, sale procedures are grouped by “time and date of sale”, “advertising sales”, etc.
- This draft is arranged in numerical order by hypothetical new section numbers so that the reviewer can get the feel of the proposed final product. The draft is not presented in “bill form”. This will be done at a later date. The Office of the Code Reviser will assign actual new section numbers.
- **Gender.** RCW 44.04.210 requires that all statutes adopted after July 1, 1983, should be written in gender-neutral terms unless a specification of gender is intended. Where caught in the revision process to date, amendments have been written in a gender-neutral format.
- There has been no attempt to revise aquatic lands statutes (79.90 – 79.96) in Phase I. However, several sections that more appropriately belong in these chapters have been moved into them. Also chapter 79.81, Marine plastic debris, has been placed with the aquatic lands chapters.
- Some chapters in Title 79 RCW, such as chapter 79.24, Capitol building lands, have not been touched in this initial phase. They are not included in this draft document.
- This draft does not include changes in law enacted by the legislature during the 2002 session. Eleven new sections dealing with derelict vessels will be added to Title 79 and there will be amendments to sections in chapters 79.24, 79.44 and 79.70. These changes will be incorporated, if necessary, when the recodification is put into bill format.
- The proposed recodification will require updating of up to 20 WACs listed under chapter 332. Changes would range from simply updating the statutory authority reference to incorporating text changes for consistency. Most of these changes could be addressed under expedited rule making; however, this is additional work for staff that must be scheduled once a recodification bill is passed.